

Applicant: GINZBURG, Boris  
Serial No.: 10/668,173  
Filed: September 24, 2003  
Page 6

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### REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the following remarks.

#### Status of Claims

Claims 1-27 are pending in this application. Claims 1, 10, 19 and 25 have been amended. It is respectfully submitted that no new matter has been added.

#### Claim Rejections

##### 35 U.S.C. § 102 Rejections

In numbered paragraphs 1-2 on pages 2-7 of the Office Action, the Examiner rejected Claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Guo et al. (US Patent Publication No. 2004/0170150). Applicant respectfully traverses the rejection of Claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Guo et al. in view of the remarks that follow.

Amended Claims 1, 10, 19 and 25 and Claim 22 include transmitting "a signal indicating adaptation of a size of said contention window". It is respectfully submitted that Guo does not teach this feature.

Guo does not teach transmitting a signal to indicate that the size of the contention window has been changed. On page 6 of the Office Action in the Examiner's rejection of Claim 22, the Examiner makes reference to page 7, paragraph [0094] of Guo as teaching this feature. In paragraph 0094, Guo teaches "comparison graphs [which] illustrate differences between an adaptive MAC layer according to embodiments herein, current MAC layer systems, and a fixed differentiation-type MAC layer system with fixed contention window sizes according to QoS requirements." It is respectfully submitted that the comparison graphs show differences between various methods of changing the contention window size and not transmitting a signal indicating a change in the size of the contention window.

It is therefore respectfully submitted that amended independent Claims 1, 10, 19

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Page 7

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and 25, and independent Claim 22 are not anticipated by Guo. Each of Claims 2-9, 11-18, 23-24, 26-27, and 20-21 depend from one of independent amended Claims 1, 10, 19, and 25 and independent Claim 22 respectively and are therefore likewise patentable. The rejection of Claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Guo et al. is therefore requested to be withdrawn.

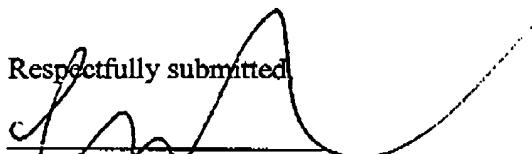
Applicant acknowledges the Examiner's citation of non-applied references. It is respectfully submitted that the pending claims are patentable over this art.

#### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application.

The fees for the RCE are being paid separately. No other fees are believed to be due. However, if any additional fees are due, please charge deposit account No. 50-3355.

Respectfully submitted,  
  
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